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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,678	12/27/2001	Omry Paiss	P-4045-US	7044
27130	7590	09/21/2005		EXAMINER
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			DYKE, KERRI M	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/026,678	PAISS, OMRY
	Examiner	Art Unit
	Kerri M. Dyke	2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 December 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3 element 516. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "536" and "535" have both been used to designate "Playing the downloaded conversation". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use. The current specification does not contain section (g), a brief summary of the invention.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 5 recites the limitation "the wireless communication system" in lines 22-23. There is insufficient antecedent basis for this limitation in the claim. There is basis for a communication system, but not for a wireless communication system.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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7. Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Barak et al. (US 6,792,093).

8. In regards to claim 1, Barak et al. discloses a method comprising: sending data packets of a recorded conversation to a subscriber, wherein a conversion recording is done by alternating between a first link and a second link of a communication system to record a conversation. In column 4 lines 62-64 indicate that the server begins to record the conversation. This inherently must be done by alternating between the links depending upon which link is active, i.e. who is talking. Column 6 lines 29-31 indicate that the call can be retrieved via the Internet, which inherently calls for the use of packets to send the conversation.

9. In regards to claim 2, Barak et al. discloses the method of claim 1, wherein the conversation recording comprises: decoding a recorded media content of the recorded conversation by alternating between a first media decoder to a second media decoder; and storing data packets comprising the recorded media content of the recorded conversation in a storage medium. Figure 1 element 22 is memory for storing the calls. Decoders are not shown, but must be included, because the data would be incomprehensible if it was not decoded. There must be at least two decoders so that the whole conversation can be stored properly even if both parties speak at the same time.

10. In regards to claim 3, Barak et al. discloses the method of claim 2, further comprising: generating a file that includes the data packets comprising the recorded media content of the recorded conversation; and storing the file at a secured location having a controlled access. Column 6 lines 34-35 indicate that a subscriber can log in to view a list of conversations. Each

conversation is one file. The memory location is secure because the subscriber must login in order to access the files.

11. In regards to claim 4, Barak et al. discloses the method of claim 3 further comprising: receiving a command for sending the file via a global network to a computer. Column 6 lines 29-31 indicate that files can be retrieved using the Internet.
12. In regards to claim 5, Barak et al. discloses the method of claim 3 comprising: receiving a command for sending the file to the remote station via the wireless communication system; and generating the file by decoding the stored packets by alternating between the first media decoder to the second media decoder and combining the decoded packets. It is disclosed in column 6 lines 1-3 and Figure 3 that the conversations can be retrieved by phone. Column 1 line 54 indicates that the phone can be a mobile or wireless phone. See claims 2 and 3 for rejection of file creation by alternating between decoders.
13. In regards to claim 6, Barak et al. discloses a wireless communication system comprising: a server (figure 1 element 12) to record data packets comprising a media content of a first link and a second link of a conversation by alternating between the first link to the second link and storing recorded data packets at a storage medium (figure 1 element 22); and a remote station to send a command to receive the recorded packets of the conversation (column 6 lines 1-3, figure 3, and column 6 lines 29-31). It is inherent that the recording is made by alternating between the links depending upon who is talking.
14. In regards to claim 7, Barak et al. discloses the system of claim 6, wherein the server comprises: a file generator to generate a file which includes a recorded media content of the first link and the second link by alternating between a first media decoder to a second media decoder

and combining the decoded media from the first and second media decoders to the file; and a secured storage location having a controlled accesses to store the file. Figure 1 element 22 is memory for storing the calls. Decoders are not shown, but must be included, because the data would be incomprehensible if it was not decoded. There must be at least two decoders so that the whole conversation can be stored properly even if both parties speak at the same time.

Column 6 lines 34-35 indicate that a subscriber can log in to view a list of conversations. Each conversation is one file. The memory location is secure because the subscriber must login in order to access the files.

15. In regards to claim 8, Barak et al. discloses the system of claim 7, wherein the secured storage location is a media mailbox. Column 6 lines 40-41 indicate that a call can be sent to an email inbox. The inbox is secure because the subscriber must enter a username and password to access the information. The inbox is a media mailbox because it can accept media inputs.

16. In regards to claim 10, Barak et al. discloses the system of claim 6, wherein the remote station is a personal communication assistant (PCA). Column 3 line 53 and column 2 line 54 indicates that the remote station can be a mobile phone. A mobile phone is a PCA.

17. In regards to claim 11, Barak et al. discloses an apparatus comprising: a media recorder to record data packets comprising a media content of a first link and a second link of a conversation by alternating between the links; a storage medium to store the data packets; and a first and a second media decoders to decode a recorded media. Figure 1 element 12 includes a recorder, element 18 and a storage medium, element 22. It is inherent to alternate between the links depending upon who is talking. It is also inherent to have at least two decoders, one for

each line, in case both parties speak at the same time. If the data is not decoded it would be incomprehensible and unusable.

18. In regards to claim 12, Barak et al. discloses the apparatus of claim 11, further comprising: a file generator to generate a file by combining a decoded data of the recorded data packets from the media decoders; and a secured storage location having a controlled accesses to store the file. Column 6 lines 34-35 indicate that a subscriber can log in to view a list of conversations. Each conversation is one file. The memory location is secure because the subscriber must login in order to access the files.

19. In regards to claim 13, Barak et al. discloses the apparatus of claim 12, wherein the secured storage location is a media mailbox. Column 6 lines 40-41 indicate that a call can be sent to an email inbox. The inbox is secure because the subscriber must enter a username and password to access the information. The inbox is a media mailbox because it can accept media inputs.

20. In regards to claim 14, Barak et al. discloses a method comprising: sending a command by a remote station to record at a server of a wireless communication system a conversation of the remote station with other remote stations by alternating between a first media recorder to a second media decoder; and storing at a storage medium of the server data packets comprising a media content of the conversation. Column 3 lines 66-67 and column 4 lines 1-21 disclose the method for sending a command to record to the server by the remote station. The recording is done by alternating between the recorder and decoder, which are inherently present. Figure 1 element 22 shows the storage element.

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21. In regards to claim 15, Barak et al. discloses the method of claim 14, further comprising: sending a command by the remote station to the server to play a recorded media content of the conversation at the remote station', decoding at the server the recorded media content by alternating between the first media decoder to the second media decoder; and transmitting by a base station a modulated decoded media content of the conversation to a commanding remote station. Column 6 lines 1-60 discuss the methods for retrieval from the server to a remote station. When the remote station is a mobile phone the conversation will inherently be routed through a base station. Also see the rejection of claims 2, 7, and 11.

22. In regards to claim 16, Barak et al. discloses the method of claim 15, further comprising: providing to a subscriber of a recording service a media mailbox to store the recorded media content of the conversation; and retrieving by the remote station a recorded conversation by accessing the media mailbox. Column 6 lines 1-27 describe the media mailbox procedures. Each conversation is assigned a code to identify it as belonging to a specific subscriber, as described in column 5 lines 8-11. The marked calls could be described as being placed in the subscriber's media mailbox.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barak et al. (US 6,792,093) in view of Liu et al. (US 6,434,139).

24. In regards to claim 9, Barak et al. discloses the system of claim 8 further comprising: using the wireless communication system to connect to a global network; and a computer operably coupled to the global network to play the file via the global network by alternating between the first media decoder to the second media decoder. Column 6 lines 29-31 disclose the use of a computer connected to a global network in order to play the file. Barak et al. does not disclose using a gateway for the wireless system.

Liu et al. discloses a wireless gateway in column 1 line 54.

It would have been obvious to one of ordinary skill in the art to use the wireless gateway taught by Liu et al. to connect the wireless system to the global network as taught by Barak et al. because it is desirable to use both wired and wireless networks and technology as taught by Liu et al. in column 1 lines 52-54.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lottes et al. (US 4,567,323) discloses a network that enables special services, including conversation recording.
- b. Eaton et al. (US 5,483,588) discloses a teleconferencing system with recording and playback options.
- c. Whitfield (US 5,995,824) discloses a system for call recording and retrieval, but only over a wireless network.
- d. Phillips et al. (US 6,438,368) discloses a method for secure storage and retrieval of data.

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- e. Menon et al. (US 6,526,026) discloses a wireless gateway.
- f. Liljestrand et al. (US PG Pub 20010038689) discloses providing enhanced features including call recording.
- g. Singh et al. (US PG Pub 20010016034) discloses storing information on a secure server. The information can be retrieved through a phone and a data packet network.
- h. The Advanced Call Recorder from Rays Lab is an example of the myriad of call recorders available for purchase on the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 8:10 am - 4:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 200

9/19/05